IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 14729 of 2007(C)

OS.134/2005 of MUN-MAGI COURT, SASTHAMCOTTA

PETITIONER:

SHEENA RANI, AGED 31,
D/O.AMMINI AMMA, KALLUVILA PUTHEN VEEDU,
KOVOOR MURI, MYNAGAPPALLY VILLAGE, KOLLAM.

BY ADV. SRI.G.GOPALAKRISHNAN NAIR (EDAPPALLY)

RESPONDENTS:

1. **SUPERINTENDENT OF POLICE, KOLLAM.**
2. **DEPUTY SUPERINTENDENT OF POLICE, KARUNAGAPPALLY.**
3. **CIRCLE INSPECTOR OF POLICE, SASTHAMCOTTA.**
4. **SUB INSPECTOR OF POLICE, SASTHAMCOTTA.**
5. **SARAMMA PILLAI, AGED 58 YEARS, D/O.PARUKUTTY AMMA, DEVASARAS VEEDU, KOVOOR MURI, MYNAGAPPALLY VILLAGE, NOW RESIDING AT NIMMI DALE, CHAVARA SOUTH POST OFFICE, THEKKUMBHAGOM VILLAGE, KOLLAM.**
6. **VASUDEVAN PILLAI, AGED 60 YEARS, DO.DO.**

BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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WP(C) No.14729 OF 2007

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Dated this the 29th day of May, 2007

JUDGMENT

This writ petition is filed to direct respondents 2 to 6 not to interfere with the peaceful possession and enjoyment of the property of the petitioner and to declare that respondents 2 to 6 have violated the order of temporary injunction granted in C.M.A.No.14/2006.

2. A perusal of the records and the writ petition would reveal that the present writ petitioner has filed a suit O.S.No.134 of 2005 before the Munsiff's Court, Sasthamcotta and filed I.A.No.440/2005 to obtain an order of injunction. The trial court dismissed the application and aggrieved by that decision the present writ petitioner moved C.M.A.No.14 of 2006 before the District Court, Kollam. The District Judge, on a consideration of the entire materials found that there is another suit filed as O.S.No.136 of 2005 by the respondents in this case where also a relief of interim injunction is sought for and it is pending consideration before the Munsiff's Court.

3. Therefore, taking into consideration those aspects, the learned District Judge set aside the order in I.A.No.440/2005 and remanded the

matter for fresh consideration in accordance with law. It is thereafter this writ petition is filed.

4. Learned counsel for the writ petitioner submits that until and unless an order of injunction is granted, it will cause irreparable damage to the plaintiff in the suit, viz., the writ petitioner and therefore prays for an order of injunction. As stated by me earlier, the plaintiff moved a petition before the trial court and did not succeed. But the appellate court gave him an opportunity to contest the interim application again on merits by setting aside the order. Prima facie, both the courts below did not grant any relief in favour of the present writ petitioner at the time of final disposal of the matter. When such is the circumstance, sitting in jurisdiction, this court cannot go into the facts and give a decision in favour or against the writ petitioner. The only prayer that can be granted is to direct the learned Munsiff, before whom the cases O.S.No.134 & 136/2005 are pending, to take the I.As and dispose of them as expeditiously as possible. Considering the urgency of the matter I direct the learned Munsiff, Sasthamcotta to dispose of both the IAs as expeditiously as possible, and not later than 30 days from today. It is made clear that if there is any serious problem that ensues between the parties, they can approach the learned Munsiff for

interim orders.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-